

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MILAN HEGGS, ROY BECKFORD and
PHILIP LEGREE, *individually and on behalf of*
a class of all others similarly situated,

Plaintiffs,

and

DISABILITY RIGHTS NEW YORK,

Plaintiff,

and

DISABLED IN ACTION,

Plaintiff,

- against -

THE CITY OF NEW YORK, NEW YORK
CITY POLICE (NYPD), COMMISSIONER
JAMES P. O'NEILL; NYPD COMMISSIONER
DERMOT F. SHEA; NYPD OFFICER (P.O.)
ROBERT BERNHARDT; P.O. MOORAN, P.O.
SLATER; JOHN DOES 1-8,

Defendants.

No. 17-CV-03234 (RJD)(TAM)

**DECLARATION OF
DAVID B. RANKIN IN
SUPPORT OF MEMORANDUM
OF LAW IN SUPPORT OF
PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION**

DAVID B. RANKIN, an attorney duly admitted to practice law in the State of New York and in this court, declares under penalty of perjury:

1. I am a partner at Beldock Levine & Hoffman LLP, one of the attorneys for Plaintiffs and am well-familiar with the facts of this case. I submit this declaration in support of Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Class Certification.

I. Adequacy of Class Counsel

2. Beldock Levine & Hoffman, LLP ("BLH") attorneys have litigated a number of class action lawsuits against the City of New York, including, but not limited to: *El Sayed v City of New York*, No. 18-cv-10566 (SDNY) (injunctive claims, including a revised Patrol Guide policy, resolved on June 11, 2021); *Syed v City of New York*, No. 16-cv-04789 (SDNY 2016) (class

certified on February 15, 2019); *McLennon v City of New York*, No. 14-cv-6320 (EDNY 2014) (injunctive claims resolved on March 3, 2020); *Floyd v City of New York*, No. 08-cv-1034 (SDNY) (currently in remedial stage); *Daniels v City of New York*, 198 FRD 409, 418 (SDNY 2001); and *MacNamara v City of New York*, 275 FRD 125, 154 (SDNY 2011).

3. Attorneys at BLH have litigated hundreds of civil rights claims against the City of New York, many of which pertained to the NYPD's policies and practices and have a breadth of knowledge of the NYPD issuing summons in an unlawful pattern that is demonstrative of racially biased enforcement.

II. Relevant information and evidence for Plaintiffs' motion

4. Attached hereto are true and accurate copies of the following exhibits that were produced in discovery in this litigation or publicly available:

- a. **Exhibit 1:** Deposition of Roy Beckford, dated August 25, 2021.
- b. **Exhibit 2:** Deposition of Philip Legree, dated January 31, 2022.
- c. **Exhibit 3:** Deposition of Milan Heggs, dated November 22, 2021.
- d. **Exhibit 4:** Deposition of Deputy Inspector Robert M. Haley, dated May 22, 2019.
- e. **Exhibit 5:** Deposition of Deputy Inspector Robert M. Haley, dated July 13, 2016 from *Robert Filer v. City of New York, et al.*, 14-cv-5672 (PKC)(LB).
- f. **Exhibit 6:** New York City Police Department Operations Order, Number 12 "Pilot Program – Utilization of Department Vehicles Equipped with Americans with Disabilities Act (ADA) Compliant Lifts When Transporting Arrestees with Mobility Disabilities Within Patrol Borough Brooklyn North and Patrol Borough Brooklyn South," issued March 1, 2018.

- g. **Exhibit 7:** New York City Police Department Operations Order, Number 34 “Expansion of Pilot Program – Citywide Utilization of Department Vehicles Equipped with Americans with Disabilities Act (ADA) Compliant Lifts When Transporting Arrestees with Mobility Disabilities,” issued April 10, 2020.
- h. **Exhibit 8:** New York City Police Department Operations Order, Number 35 “Operational Guidelines for Americans with Disabilities Act (ADA) Compliance,” issued June 8, 2018.
- i. **Exhibit 9:** New York City Police Department “AccessibleNYPD Americans with Disabilities Act Compliant Plan,” dated January 2019.
- j. **Exhibit 10:** New York City Police Department “AccessibleNYPD Americans with Disabilities Act Compliant Plan,” dated August 2021.
- k. **Exhibit 11:** Patrol Guide, Procedure No. 208-03 “Arrests – General Processing,” issued April 2, 2019.
- l. **Exhibit 12:** Patrol Guide, Procedure No. 208-03 “Arrests – General Processing,” issued October 7, 2020.
- m. **Exhibit 13:** Patrol Guide, Procedure No. 208-05 “Arrest – General Search Guidelines,” issued July 1, 2020.
- n. **Exhibit 14:** Patrol Guide, Procedure No. 210-04 “Prisoners Requiring Medical/Psychiatric Treatment,” issued September 10, 2018.
- o. **Exhibit 15:** Patrol Guide, Procedure No. 210-17 “Arrest Processing of Pre-Arrestment Prisoners Designated as ‘Special Category,’” issued May 27, 2016.
- p. **Exhibit 16:** Patrol Guide, Procedure No. 212-104 “Interaction with Hearing Impaired Persons,” issued August 1, 2013.

- q. **Exhibit 17:** Excerpted spreadsheet of arrest data of individuals with mobility disabilities.
- r. **Exhibit 18:** Patrol Guide, Procedure No. 221-02 “Use of Force,” issued June 27, 2016.
- s. **Exhibit 19:** New York City Police Department “Statistical Training Breakdown for Wheelchair Lift Operation Endorsement,” dated July 29, 2019.
- t. **Exhibit 20:** New York City Police Department Precinct Accessibility Review Survey Form.
- u. **Exhibit 21:** Central Booking Floor Plans.
- v. **Exhibit 22:** Patrol Guide, Procedure No. 208-05 “Arrests – General Search Guidelines” issued August 1, 2013.
- w. **Exhibit 23:** CBJ Spreadsheet of Wheelchair Users.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: September 19, 2022
Brooklyn, New York



David B. Rankin